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TAGS: PHUM PREL UNSC XA ZI  
SUBJECT: UNSC DRAFT PRESS STATEMENT AND RESOLUTION ON  
ZIMBABWE

¶1. This is an action request. USUN is instructed to share with the British and other missions as appropriate the draft elements of a Chapter VII sanctions resolution on Zimbabwe as outlined in paragraph 3 below. Adoption should be sought as soon as possible. USUN should report back results of its conversations immediately. USUN should also propose a UN Security Council (UNSC) press statement for June 27 that reacts to the current situation on the ground in Zimbabwe if and only if the press statement does not interfere or delay the adoption of the resolution. USUN may draw on the draft elements for such a statement in para 2. END ACTION REQUEST AND SUMMARY.

¶2. Draft elements for a press statement on Zimbabwe:

--Condemn the Zimbabwe's government decision to hold the June 27 elections given the campaign of violence and intimidation against the political opposition preceding the vote that made a free and fair election impossible, as noted in the Council's Presidential Statement of June 23.

-- Express deep concern at the gross irregularities during the June 27 run-off Presidential election; the violence and intimidation perpetrated in the run up to the election that made the holding of free and fair elections impossible; and, the environment created by the Government of Zimbabwe that did not permit international election observers to operate freely before and during the June 27 vote.

-- Express strong concern over the grave humanitarian situation in Zimbabwe which has been exacerbated by the Government of Zimbabwe's misuse of food aid as a political tool and suspension of humanitarian relief programs conducted by international and non-governmental organizations.

-- Condemn this suspension, which has deprived the Zimbabwean people, in particular vulnerable people including those displaced by violence, children and orphans, of basic humanitarian assistance,

-- Further condemn the continued killing, beating and torture of civilians, sexual violence, and the displacement of thousands of Zimbabweans who have been driven from their homes.

-- Call on those perpetrating these actions to be held accountable.

-- Condemn the baseless arrests, restrictions on the right of assembly, seizure of vehicles, threats, intimidation and violence directed against supporters of the opposition political party and the repeated detention of its leaders.

--Reject the election results as illegitimate and call for an immediate dialogue between the Government and opposition

parties on a solution that reflects the will of the Zimbabwean people as expressed in the results of the March 29 first round.

--Expresses support for the SYG to actively engage with other regional organizations in support of a negotiated solution that reflects the will of the Zimbabwean people as expressed in the results of the March 29 first round.

**13. Draft elements for a Chapter VII sanctions resolution:**

The Security Council,

Recalling the statement of its President of 23 June 2008 concerning the situation in Zimbabwe,

Affirming its commitment to the independence and territorial integrity of Zimbabwe,

Expressing deep concern at the gross irregularities during the June 27 run-off Presidential election, the violence and intimidation perpetrated in the run up to the election that made impossible the holding of free and fair elections, and the creation of an environment that did not permit international election observers to operate freely before and during the June 27 vote,

Expressing strong concern over the grave humanitarian situation in Zimbabwe which has been exacerbated by the Government of Zimbabwe's misuse of food aid as a political tool and its suspension of humanitarian relief programs, in particular the suspension of medical assistance to HIV/AIDS patients, conducted by international and non-governmental organization,

Expressing strong concern over the impact of this suspension which is depriving the Zimbabwean people, in particular those displaced by violence, of basic humanitarian assistance,

Condemning the continued killing, beating and torture of civilians, sexual violence, and the displacement of thousands of Zimbabweans, many of whom have been driven to take refuge in neighboring countries,

Further condemning the baseless arrests, restrictions on the right of assembly, seizure of vehicles, threats, intimidation and violence directed against supporters of the opposition political party, as well as the detention of its leaders,

Taking note of the statements and expressions of concern by African regional organizations and current and former Heads of State about the impact of the situation in Zimbabwe on the stability of the wider region, and expressing its own grave concern over that impact, calling on the Government of Zimbabwe to postpone the election, and deeming the results of a June 27 to be illegitimate under current conditions,

Recognizing that the destabilizing impact of the situation in Zimbabwe on the wider region is reflected in the burden placed on States in the region by the presence of Zimbabwean economic migrants and refugees,

Recalling its resolution 1809 (2008) on Peace and Security in Africa, and reaffirming its support for Southern African Development Community and African Union efforts to resolve the crisis in Zimbabwe, and calling on the Government of Zimbabwe to cooperate with these efforts,

Reaffirming its support for the Secretary General's good offices, led by Assistant Secretary General Haile Menkerios, and expressing strong support for the continuing efforts of the Secretary General and his representatives,

Determining that the situation in Zimbabwe poses a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

¶11. Condemns the Government of Zimbabwe's decision to go forward with the June 27 elections given the campaign of violence against the political opposition, which has resulted in scores of deaths, thousands of injuries, and has displaced thousands of civilians;

¶12. Recognizes that the current electoral conditions made it impossible for a free and fair election to occur, refuses to recognize the outcome of the 27 June 2008 election and demands that the Government of Zimbabwe:

(a) Immediately cease attacks against and intimidation of opposition members and supporters, including those by non-government agents affiliated with the ZANU-PF party, and in particular end the abuse of human rights, including widespread beatings, torture, killings, sexual violence, displacement, and release all political prisoners;

(b) Begin without delay a substantive political dialogue between the parties with the aim of arriving at a peaceful solution that reflects the will of the Zimbabwean people as expressed in the March 29 elections;

(c) Accept the good offices offered by the African Union, the Southern African Development Community, and the Secretary General, giving such representatives full access to the country, security, and all requested authority over negotiation processes;

(d) Accept responsibility to cooperate fully with non-partisan investigations of the political violence experienced by the country between March and June, 2008;

(e) End immediately all restrictions on international humanitarian assistance and support international aid organizations' access to all parts of the country for distribution of food, medical assistance, and other humanitarian aid;

¶13. Decides that all Member States shall take the necessary measures to prevent the direct or indirect supply, sale or transfer to Zimbabwe, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of arms or related material of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned;

¶14. Decides further that all Member States shall also take the necessary measures to prevent any provision to Zimbabwe by their nationals or from their territories of technical assistance or training, financial assistance, investment, brokering or other services, and the transfer of financial resources or services, related to the supply, sale, transfer, manufacture or use of the items specified in paragraph 3 above;

¶15. Decides that the measures imposed by paragraphs 3 and 4 above shall not apply to:

(a) Supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training as approved in advance by the Committee established in paragraph 9 below ("the Committee"); and

(b) Supplies of protective clothing, including flak jackets and military helmets, for the personal use of United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel;

¶ 6. Decides that all States shall take the following measures with respect to individuals and entities designated by the Committee as having engaged in or provided support for actions or policies to undermine democratic processes or institutions in Zimbabwe, including having ordered, planned, or participated in acts of politically motivated violence, or as providing support to individuals or entities designated pursuant to this paragraph:

(a) prevent the entry into or transit through their territories of these individuals, provided that nothing in this paragraph shall obligate a State to refuse entry into or require departure from its territory of its own nationals;

(b) freeze without delay all funds, other financial assets and economic resources that are in their territories on the date of adoption of this resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by these individuals or entities, or that are owned or controlled, directly or indirectly, by entities owned or controlled by them such persons or by individuals or entities acting on their behalf or at their direction, and ensure that no funds, other financial assets or economic resources are made available by their nationals or by any persons within their territories to or for the benefit of such individuals or entities;

¶ 7. Decides that the measures imposed by paragraph 6(a) above do not apply where the Committee determines on a case by case basis that such travel is justified on the ground of humanitarian need, including religious obligation, or where the Committee concludes that an exemption would otherwise further the objectives of this resolution;

¶ 8. Decides that the measures imposed by paragraph 6(b) of this resolution do not apply to funds, other financial assets or economic resources that have been determined by relevant States:

(a) to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources and in the absence of a negative decision by the Committee within three working days of such notification;

(b) to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Committee and has been approved by the Committee; or

(c) to be the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds, or other financial assets and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered prior to the date of the present resolution, is not for the benefit of a person or entity designated by the Committee pursuant to paragraph 6 above, and has been notified by the relevant States to the Committee;

¶ 9. Decides to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks:

(a) to seek from all States, in particular those in the region, information regarding the actions taken by them to implement effectively the measures referred to in paragraphs 3, 4 and 6 of this resolution and whatever further information it may consider useful in this regard;

(b) to examine and take appropriate action on information regarding alleged violations of measures imposed by paragraphs 3, 4 and 6 of this resolution;

(c) to designate individuals and entities subject to the measures imposed by paragraph 6 of this resolution;

(d) to consider and decide upon requests for exemptions set out in paragraphs 5, 7 and 8 of this resolution;

(e) to establish guidelines as may be necessary to facilitate the implementation of the measures imposed by this resolution;

(f) to report at least every 90 days to the Security Council on its work and on the implementation of this resolution, with its observations and recommendations, in particular on ways to strengthen the effectiveness of the measures imposed in this resolution;

(g) to assess reports from the Panel of Experts established pursuant to paragraph 10 below, and from Member States on specific steps they are taking to implement the measures imposed by paragraphs 3, 4 and 6 above;

(h) to encourage a dialogue between the Committee and interested Member States, in particular those in the region, including by inviting representatives of such States to meet with the Committee to discuss implementation of the measures;

¶10. Requests the Secretary-General to establish, within 30 days of the adoption of this resolution, in consultation with the Committee, for a period of twelve months a Panel of Experts comprised of four members with the range of expertise necessary to fulfill the Panel's mandate described in this paragraph, to operate under the direction of the Committee to undertake the following tasks:

(a) to assist the Committee in monitoring implementation of the measures in paragraphs 3, 4 and 6 of this resolution, and to make recommendations to the Committee on actions the Council may want to consider; and

(b) to provide a mid-term briefing on its work to the Committee, and an interim report no later than 90 days after adoption of this resolution, and a final report no later than 30 days prior to the termination of its mandate to the Council through the Committee with its finding and recommendations;

¶11. Expresses its readiness to review the measures imposed in paragraphs 3, 4, and 6 of this resolution in 12 months following the date of adoption of this resolution or sooner if before such time as a political settlement is agreed to by all stakeholders and respects the will of the Zimbabwean people as expressed in the results of the March 29, 2008 elections;

¶12. Requests the Secretary-General to submit a report to the Council regarding the situation in Zimbabwe, whether the Government of Zimbabwe has complied with the demands in paragraph 2 above, and what additional measures may contribute to improving the security, humanitarian, and human rights situation in Zimbabwe;

¶13. Decides that all States shall report to the Committee established by the Council within 90 days of the adoption of this resolution on the steps they have taken with a view to implementing effectively the measures imposed in

paragraphs 3, 4 and 6 above;

¶14. Decides to remain seized of the matter.

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